

TITLE 23. WATERS  
DIVISION 2. DEPARTMENT OF WATER RESOURCES  
CHAPTER 5.1 WATER CONSERVATION ACT OF 2009  
ARTICLE 2. Agricultural Water Measurement

**NOTICE OF MODIFICATIONS TO THE TEXT  
OF PROPOSED REGULATION**

Related to Rulemaking File No. 2011-1219-04C

February 28, 2012

Pursuant to the requirements of Government Code section 11346.8 (c), and section 44 of Title 1 of the California Code of Regulations, the Department of Water Resources (hereafter Department) is providing notice of changes made to the proposed Agricultural Water Measurement regulation text (Title 23, Division 2 of the California Code of Regulations, Chapter 5.1, Sections 597, 597.1, 597.2, 597.3, and 597.4) and a Supplemental Initial Statement of Reasons.

The changes are in response to comments received from the State of California, Office of Administrative Law, regarding the February 2, 2012 disapproval of proposed regulation action, the CA Water Commission and stakeholders. The changes being made to the regulation are:

- Section 597.1. (c)(g)(h) Added the words “Water Code”.
- Section 597.1(i) has been deleted. Water Code section 10608.48(b)(1)(i) limits the Department’s regulatory authority to “providing a range of options that agricultural water suppliers may use or implement to comply with the measurement requirement in [section 10608.48(b)(1)].”
- Section 597.3(b)(1) (B) has been modified to delete redundant language and offer better clarity and consistency. The double underlined or strikeout words in the phrase “When ~~the~~ measurement options in §597.3(a) cannot be met, as ~~approved~~ determined by an engineer, by installing a commercially available or on site built measurement device or devices” have been added or deleted.
- Section 597.3(b)(1) (B) has been modified to delete the phrase ‘~~that is comparable in cost to other measurement devices commonly in use,~~’.

- Section 597.3(b)(2)(A) has been modified to add the phrase and deleted a word "When conditions at the delivery points change that can meet the measurement options in §597.3(a)(2) at the individual customer's delivery points, an agricultural water supplier shall include in its Agricultural Water Management Plan, as specified in §597.4, a schedule, budget and ~~finance~~ plan to measure water at the individual customer delivery points in compliance with §597.3(a)(2) of this Article."
- Section 597.3(b)(1)(B) has been modified to add the phrase ". Agricultural water supplier shall report in its Agricultural Water Management Plan schedule, budget, and plan and demonstrate progress over time to measure at all farm gates using commercially available or on site built measurement device or devices consistent with §597.3(a)(2) of this Article".
- Section 597.4 (b) has added "of Existing Devices" to the title.

If you have any comments regarding the proposed changes, the Department will accept written comments between February 29, 2012 and March 14, 2012. All written comments must be submitted to the Department no later than 5:00 p.m. on March 14, 2012 and addressed to:

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All written comments received by 5:00 p.m. on March 14, 2012 which pertain to the indicated changes will be reviewed and responded to by the Department as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text; where added text is displayed in italicized double underline and deleted text is displayed in ~~italicized double underline~~ in the regulation and the Supplemental to the Initial Statement of Reasons text.